

Bureaucracy and Inefficiency: Failures of CERCLA in Protecting Indigenous Communities

What is CERCLA?

- CERCLA is the Comprehensive Environmental Response, Compensation, and Liability Act, also known as Superfund
- CERCLA was created in 1983 by the EPA to protect human health and the environment by holding liable parties accountable for hazardous waste contamination.
- CERCLA only protects hazardous waste sites after the damage has been done.
- CERCLA's predecessor was the Resource Conservation and Recovery Act of 1976 (RCRA) and covered hazardous waste clean-up for facilities currently in use.
- The policy includes tribes, stating that "tribes are afforded substantially the same treatment as states."

Indigenous People Bearing The Burden Of Hazardous Waste Contamination

Onondaga Lake and several of its tributaries were listed on the Superfund for clean-up in 1994. As of 2017, Honeywell International and the NY Department of Environmental Conservation have 'capped' the lake. (Capping is the process of placing a layer of clean sediment over contaminated sediment in order to mitigate damages.) The Onondaga Nation reports that the Honeywell cleanup has been inefficient, at best as capping does not permanently contain toxic materials. Experts say that after the lake was capped, it has become swimmable. However, people are still advised not to eat any of the fish from the lake. As of 2019, roughly 4% of reservations contain a superfund site riddled with bureaucratic inefficiencies just like the Onondaga Lake site.

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Aerial View of Onondaga Lake, Syracuse, New York

Policy Proposals

- **Liable parties must be held accountable for reparations to the individuals harmed by their actions**
- Advantages: Indigenous people will receive compensation and apology for the need to relocate and other damages incurred. The high cost of destroying lives and the environment will be more likely to deter liable parties and secure safety for affected individuals,
- Disadvantages: Hazardous waste spills happen often and are ongoing. As with Onondaga lake, if the cleanup is only a temporary fix, then Honeywell will not be held accountable for the permanent damage.
- **Reasonable dates for when cleanup must occur should be in place**
- Advantages: Possible permanent damage to the environment can potentially be reversed if cleanup is completed in a timely manner. Residents of nearby areas may not have to relocate.
- Disadvantages: Bureaucratic hang-ups and legal issues with liable parties take time to resolve. Coming up with a plan for clean-up takes time.

Conclusion

- There are pros and cons to every policy proposal.
- When people's lives and homes are at stake, and the environment is damaged, politicians need to put the bureaucracy aside and protect those who are being harmed.
- No party, whether it be a person, company or other type of entity, should be allowed to violate the basic human right to health or leave hazardous waste to fester for years (as with Onondaga Lake). Because of these grave oversights, the damage done to the environment and the people who live there is permanent far too often.